

REMARKS

This amendment is responsive to the Office Action mailed on December 31, 2008 and Notice mailed on May 6, 2009. The Examiner's comments in the Office Action have been considered.

Claims 1-122 have been considered and claims 26-43 and 50-122 have been withdrawn from consideration. Claims 1-25 and 44-49 have been rejected for reasons set forth in the Office Action.

The Examiner has objected the Abstract. The Abstract had been rewritten and a new Abstract is submitted herewith.

The Disclosure as well as claims have been rejected for reasons set forth in paragraphs 6-10 of the Office Action. The drawings have been objected because "lever and scissor arrangements" recited in claim 44 have not been shown in the drawings. Claim 44 has been cancelled with prejudice and the specification and the claims have been amended to address and overcome the outstanding rejections. Reconsideration of these rejections and objections and withdrawal of the same is respectfully requested.

In paragraph 12 of the Office Action, claims 13-16 have been rejected as being obvious on the basis of U.S. Patent No. 4,522,546 to Ringer in view or when combined with U.S. Patent No. 4,049,135 to Glassmeyer. For reasons that are more specifically discussed below, these rejections based on the applied art respectfully traversed.

Regarding claims 1 and 13, none of the references cited disclose lifting devices which are anchored to the track bed. In other words, the lifting devices are inertially fixed to the track bed and are not movable. The advantage of this arrangement over the arrangement of Ringer is that the driving devices, for example the engines, for driving the lifting devices as well as the necessary transmissions and drive shafts can all be fixed to the track bed or the platform and do not have to be fixed to the movable lifting device itself. Therefore, the driving devices, transmissions and drive shafts can be designed very robust. Especially high forces, in particular vertical aligned forces as weight, can be received by the driving devices, transmissions and drive shafts. In the case of the movable lifting devices according to Ringer the driving devices, transmissions and drive shafts

cannot be designed as robust as desired, because the lifting devices must not be designed too heavy and too big for still being movable easily.

Furthermore nearly only vertical forces and no moments of tilt affect the lifting devices during lifting the load because they are anchored to the track bed.

In addition, the necessary power can be fed to the lifting devices via cables or hydraulic tubes which are installed fixedly.

Consequently, lifting devices anchored to the track bed have several advantages over the movable lifting devices of Ringer. Anchoring the lifting devices to the track bed is not disclosed nor suggested by Ringer. Therefore claims 1 and 13 are not obvious over Ringer.

Concerning the superstructure, Glassmeyer is related to another technical field than the invention and it would therefore not be obvious to combine with Ringer. Especially, Glassmeyer relates to a container handling system and a transporter frame useable in a container handling system for transporting containers to aircraft cargo containers (Glassmeyer, Page 1, Lines 6-11), whereas the invention is related to a method for loading and unloading rail cars. According to Glassmeyer one of the important requirements for air cargo containers is that they must have a minimum tare-weight versus volume ratio. One of the ways this may be accomplished is to construct a container so that it is possible to leave the container underframe or base support structure on the ground when the container is loaded onto the airplane. The underframe is necessary when transporting the container by means of lift trucks or other loading devices but the same underframe is not necessary when the container is supported on the floor of an airplane. The present invention therefore pertains to an improved handling arrangement or system whereby containers and separable adapter or transporter frames are utilized in the transportation of the containers to the airplane but are selectively removed when the container itself is transported by means of roller conveyors into the interior of the fuselage of the plane (Glassmeyer, Page 1, Lines 31-48).

In contrast thereto the superstructure (1) according to the invention is transported by the rail car together with the load on it. Especially, the superstructure (1) is part of the rail car during driving the rail car on the rails. Therefore the superstructure (1) has to have

a special structure for fitting together with the car frame (40), which the transporter frame (16) of Glassmeyer does not have.

In addition, the car superstructure according to the invention must be capable of receiving trucks and semi-trailers of trucks and other heavy loads which are transported by rail cars. In contrast thereto, the frame (16) of Glassmeyer, is only deposited on a truck (and is therefore not capable of receiving a truck or semi-trailer).

In view of the above, Glassmeyer does not disclose or suggest a superstructure of a rail car according to the invention and does not lead to the invention.

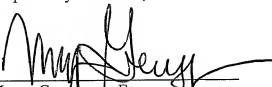
Therefore claims 1 and 13 are not obvious over a combination of Ringer and Glassmeyer.

This application is now believed to be in condition for allowance. Early allowance and issuance is, accordingly, is respectfully solicited.

Applicant hereby any fee necessary for the consideration of this Amendment or to prevent abandonment of this application, to be charged to Deposit Account No. 10-0100.

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Respectfully submitted,



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